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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/963,618 | 09/26/2001 | Ali Emam Bakhsh | TRW(AP)5810 | 9744 |

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EXAMINER

DUNN, DAVID R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3616

DATE MAILED: 02/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,618

Applicant(s)

BAKSH ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-11 and 13-27 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or-(f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No: _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Preliminary amendment filed 11/30/01 has been entered.

Information Disclosure Statement

1. The information disclosure statement filed 9/26/01 and 11/30/01 are acknowledged. See enclosed IDS forms.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, 14, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 14 recite the limitations "said front chamber" and "said rear chamber".

There is insufficient antecedent basis for these limitations in the claims.

Claim 25 recites the limitation "said front chamber" in line 9. There is insufficient antecedent basis for this limitation in the claim. It appears that "said front chamber" should be --said rear chamber--.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 5 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 5 and 10 recite limitations related to the "occupant's head"; i.e. the claims positively recite part of the human body which is nonstatutory subject matter. The examiner recommends amending the claims such that the occupant is not positively recited such as --wherein the inflatable vehicle occupant protection device is adapted to engage the occupant's head when the occupant's head is positioned...--

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-6, 15-18, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6,237,943) in view of Yamaji et al. (6,056,316).

Brown et al. discloses an inflatable vehicle occupant protection device (36; see Figure 1) inflatable into a position between the side structure of the vehicle and an occupant, said inflatable device having a stored position in which the device is rolled up in an outboard direction towards the vehicle side structure (see Figure 10); an inflation fluid source (38); said inflatable vehicle device being adapted to inflate and unroll in a downward direction away from the roof, a first portion of the inflatable device being adapted to engage an occupant's head positioned against

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the side structure of the vehicle, the first portion moving the occupant's head laterally in the vehicle and away from the side structure and inflating between the side structure of the vehicle and the occupant's head (the airbag 36 would inflate as such, as in Figure 5, if the occupant's head was against the side structure pushing the occupant's head away from the side). Brown et al. shows the airbag rolled up about an axis extending generally parallel to the length of the inflatable device (see Figure 10). Brown et al. shows a housing (trim 41) for storing the inflatable device. Brown et al. shows a fill tube (40) for directing fluid into the inflatable device.

With respect to claims 20-27, Brown et al. shows an inflatable first portion (i.e., a portion by the front edge, or rear edge) and a second portion (i.e., the portion adjacent the occupant's head), wherein the first portion is deployed adjacent the forward end of the vehicle and below the occupant's head, and the second portion engages the occupant's head and continues unrolling between the head and side of the vehicle (inherently). With respect to claim 23, Brown et al. shows a fold-out portion (36b) rearward of the rearwardmost portion.

Brown et al. fails to show the inflator maintaining the airbag inflated for at least five seconds.

Yamaji et al. teaches a side air bag with an inflator such that the airbag can remain inflated for about 5 seconds (see column 4, lines 59-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown et al. with the teachings of Yamaji et al. in order to better protect the occupants in case of a rollover accident.

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8. Claims 2, 7, 9-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Yamaji et al. as applied above, and further in view of Webber et al. (6,168,191).

The combination of Brown et al. and Yamaji et al. is discussed above and fails to show the connection interconnecting overlying panels.

Webber teaches a side air bag including an interconnection (see, for example, Figure 5) between two overlying panels (column 3, lines 1-2) which forms a forwardmost, rearwardmost, and a middle chamber.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Brown et al. and Yamaji et al. with the teachings of Heigl in order to provide interconnection and chambers in order to improve the inflation of the bag as desired and form a stiffer bag that does not inflate too wide.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Yamaji et al. as applied above, and further in view of Brantman et al. (5,924,723).

The combination of Brown et al. and Yamaji et al. is discussed above and fails to show a stored gas container.

Brantman et al. teaches that it is old and well known in the art to inflate a side air bag with a stored gas container (see column 4, lines 40-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Brown et al. and Yamaji et al. with the teachings of Brantman et al. in order to provide a reliable source of inflation gas.

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Allowable Subject Matter

10. Claims 3, 8, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specht et al. shows a side airbag rolled up in an outboard direction. Heigl shows a side airbag of interest. Satzger shows a side airbag with interconnections of interest. Hoeft et al. shows side air bags rolled up in an outboard direction. Heudorfer et al. shows a side airbag of interest. Kutchev et al. shows a side airbag of interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


DAVID R. DUNN
PATENT EXAMINER